

1 AMENDMENT TO HOUSE BILL 719

2 AMENDMENT NO. _____. Amend House Bill 719 by replacing
3 the title with "AN ACT concerning the Secretary of State."
4 and
5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Identification Card Act is
8 amended by changing Section 14 as follows:

9 (15 ILCS 335/14) (from Ch. 124, par. 34)

10 Sec. 14. Unlawful use of identification card.

11 (a) It is a violation of this Section for any person:

12 1. To possess, display, or cause to be displayed
13 any cancelled or revoked identification card;

14 2. To display or represent as the person's own any
15 identification card issued to another;

16 3. To allow any unlawful use of an identification
17 card issued to the person;

18 4. To lend an identification card to another or
19 knowingly allow the use thereof by another;

20 5. To fail or refuse to surrender to the Secretary
21 of State, the Secretary's agent or any peace officer upon

1 lawful demand, any identification card which has been
2 revoked or cancelled;

3 6. To possess, use, or allow to be used any
4 materials, hardware, or software specifically designed
5 for or primarily used in the manufacture, assembly,
6 issuance, or authentication of an official Illinois
7 Identification Card or Illinois Disabled Person
8 Identification Card issued by the Secretary of State.

9 (a-5) As used in this Section "identification card"
10 means any document made or issued by or under the authority
11 of the United States Government, the State of Illinois or any
12 other State or political subdivision thereof, or any
13 governmental or quasi-governmental organization that, when
14 completed with information concerning the individual, is of a
15 type intended or commonly accepted for the purpose of
16 identifying the individual.

17 (b) Sentence.

18 1. Any person convicted of a violation of this
19 Section shall be guilty of a Class A misdemeanor and
20 shall be sentenced to a minimum fine of \$500 or 50 hours
21 of community service, preferably at an alcohol abuse
22 prevention program, if available.

23 2. A person convicted of a second or subsequent
24 violation of this Section shall be guilty of a Class 4
25 felony.

26 (c) This Section does not prohibit any lawfully
27 authorized investigative, protective, law enforcement or
28 other activity of any agency of the United States, State of
29 Illinois or any other state or political subdivision thereof.

30 (Source: P.A. 88-210; 89-283, eff. 1-1-96.)

31 Section 10. The Illinois Vehicle Code is amended by
32 changing Sections 6-206, 6-301.2, and 6-521 as follows:

1 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

2 Sec. 6-206. Discretionary authority to suspend or revoke
3 license or permit; Right to a hearing.

4 (a) The Secretary of State is authorized to suspend or
5 revoke the driving privileges of any person without
6 preliminary hearing upon a showing of the person's records or
7 other sufficient evidence that the person:

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required
10 upon conviction;

11 2. Has been convicted of not less than 3 offenses
12 against traffic regulations governing the movement of
13 vehicles committed within any 12 month period. No
14 revocation or suspension shall be entered more than 6
15 months after the date of last conviction;

16 3. Has been repeatedly involved as a driver in
17 motor vehicle collisions or has been repeatedly convicted
18 of offenses against laws and ordinances regulating the
19 movement of traffic, to a degree that indicates lack of
20 ability to exercise ordinary and reasonable care in the
21 safe operation of a motor vehicle or disrespect for the
22 traffic laws and the safety of other persons upon the
23 highway;

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in death
26 or injury requiring immediate professional treatment in a
27 medical facility or doctor's office to any person, except
28 that any suspension or revocation imposed by the
29 Secretary of State under the provisions of this
30 subsection shall start no later than 6 months after being
31 convicted of violating a law or ordinance regulating the
32 movement of traffic, which violation is related to the
33 accident, or shall start not more than one year after the
34 date of the accident, whichever date occurs later;

1 5. Has permitted an unlawful or fraudulent use of a
2 driver's license, identification card, or permit;

3 6. Has been lawfully convicted of an offense or
4 offenses in another state, including the authorization
5 contained in Section 6-203.1, which if committed within
6 this State would be grounds for suspension or revocation;

7 7. Has refused or failed to submit to an
8 examination provided for by Section 6-207 or has failed
9 to pass the examination;

10 8. Is ineligible for a driver's license or permit
11 under the provisions of Section 6-103;

12 9. Has made a false statement or knowingly
13 concealed a material fact or has used false information
14 or identification in any application for a license,
15 identification card, or permit;

16 10. Has possessed, displayed, or attempted to
17 fraudulently use any license, identification card, or
18 permit not issued to the person;

19 11. Has operated a motor vehicle upon a highway of
20 this State when the person's driving privilege or
21 privilege to obtain a driver's license or permit was
22 revoked or suspended unless the operation was authorized
23 by a judicial driving permit, probationary license to
24 drive, or a restricted driving permit issued under this
25 Code;

26 12. Has submitted to any portion of the application
27 process for another person or has obtained the services
28 of another person to submit to any portion of the
29 application process for the purpose of obtaining a
30 license, identification card, or permit for some other
31 person;

32 13. Has operated a motor vehicle upon a highway of
33 this State when the person's driver's license or permit
34 was invalid under the provisions of Sections 6-107.1 and

1 6-110;

2 14. Has committed a violation of Section 6-301,
3 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
4 14B of the Illinois Identification Card Act;

5 15. Has been convicted of violating Section 21-2 of
6 the Criminal Code of 1961 relating to criminal trespass
7 to vehicles in which case, the suspension shall be for
8 one year;

9 16. Has been convicted of violating Section 11-204
10 of this Code relating to fleeing from a police officer;

11 17. Has refused to submit to a test, or tests, as
12 required under Section 11-501.1 of this Code and the
13 person has not sought a hearing as provided for in
14 Section 11-501.1;

15 18. Has, since issuance of a driver's license or
16 permit, been adjudged to be afflicted with or suffering
17 from any mental disability or disease;

18 19. Has committed a violation of paragraph (a) or
19 (b) of Section 6-101 relating to driving without a
20 driver's license;

21 20. Has been convicted of violating Section 6-104
22 relating to classification of driver's license;

23 21. Has been convicted of violating Section 11-402
24 of this Code relating to leaving the scene of an accident
25 resulting in damage to a vehicle in excess of \$1,000, in
26 which case the suspension shall be for one year;

27 22. Has used a motor vehicle in violating paragraph
28 (3), (4), (7), or (9) of subsection (a) of Section 24-1
29 of the Criminal Code of 1961 relating to unlawful use of
30 weapons, in which case the suspension shall be for one
31 year;

32 23. Has, as a driver, been convicted of committing
33 a violation of paragraph (a) of Section 11-502 of this
34 Code for a second or subsequent time within one year of a

1 similar violation;

2 24. Has been convicted by a court-martial or
3 punished by non-judicial punishment by military
4 authorities of the United States at a military
5 installation in Illinois of or for a traffic related
6 offense that is the same as or similar to an offense
7 specified under Section 6-205 or 6-206 of this Code;

8 25. Has permitted any form of identification to be
9 used by another in the application process in order to
10 obtain or attempt to obtain a license, identification
11 card, or permit;

12 26. Has altered or attempted to alter a license or
13 has possessed an altered license, identification card, or
14 permit;

15 27. Has violated Section 6-16 of the Liquor Control
16 Act of 1934;

17 28. Has been convicted of the illegal possession,
18 while operating or in actual physical control, as a
19 driver, of a motor vehicle, of any controlled substance
20 prohibited under the Illinois Controlled Substances Act
21 or any cannabis prohibited under the provisions of the
22 Cannabis Control Act, in which case the person's driving
23 privileges shall be suspended for one year, and any
24 driver who is convicted of a second or subsequent
25 offense, within 5 years of a previous conviction, for the
26 illegal possession, while operating or in actual physical
27 control, as a driver, of a motor vehicle, of any
28 controlled substance prohibited under the provisions of
29 the Illinois Controlled Substances Act or any cannabis
30 prohibited under the Cannabis Control Act shall be
31 suspended for 5 years. Any defendant found guilty of this
32 offense while operating a motor vehicle, shall have an
33 entry made in the court record by the presiding judge
34 that this offense did occur while the defendant was

1 operating a motor vehicle and order the clerk of the
2 court to report the violation to the Secretary of State;

3 29. Has been convicted of the following offenses
4 that were committed while the person was operating or in
5 actual physical control, as a driver, of a motor vehicle:
6 criminal sexual assault, predatory criminal sexual
7 assault of a child, aggravated criminal sexual assault,
8 criminal sexual abuse, aggravated criminal sexual abuse,
9 juvenile pimping, soliciting for a juvenile prostitute
10 and the manufacture, sale or delivery of controlled
11 substances or instruments used for illegal drug use or
12 abuse in which case the driver's driving privileges shall
13 be suspended for one year;

14 30. Has been convicted a second or subsequent time
15 for any combination of the offenses named in paragraph 29
16 of this subsection, in which case the person's driving
17 privileges shall be suspended for 5 years;

18 31. Has refused to submit to a test as required by
19 Section 11-501.6 or has submitted to a test resulting in
20 an alcohol concentration of 0.08 or more or any amount of
21 a drug, substance, or compound resulting from the
22 unlawful use or consumption of cannabis as listed in the
23 Cannabis Control Act, a controlled substance as listed in
24 the Illinois Controlled Substances Act, or an
25 intoxicating compound as listed in the Use of
26 Intoxicating Compounds Act, in which case the penalty
27 shall be as prescribed in Section 6-208.1;

28 32. Has been convicted of Section 24-1.2 of the
29 Criminal Code of 1961 relating to the aggravated
30 discharge of a firearm if the offender was located in a
31 motor vehicle at the time the firearm was discharged, in
32 which case the suspension shall be for 3 years;

33 33. Has as a driver, who was less than 21 years of
34 age on the date of the offense, been convicted a first

1 time of a violation of paragraph (a) of Section 11-502 of
2 this Code or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5
4 of this Code;

5 35. Has committed a violation of Section 11-1301.6
6 of this Code;

7 36. Is under the age of 21 years at the time of
8 arrest and has been convicted of not less than 2 offenses
9 against traffic regulations governing the movement of
10 vehicles committed within any 24 month period. No
11 revocation or suspension shall be entered more than 6
12 months after the date of last conviction;

13 37. Has committed a violation of subsection (c) of
14 Section 11-907 of this Code; ~~or~~

15 38. Has been convicted of a violation of Section
16 6-20 of the Liquor Control Act of 1934 or a similar
17 provision of a local ordinance; ~~or~~.

18 39. ~~38.~~ Has committed a second or subsequent
19 violation of Section 11-1201 of this Code; or

20 40. Has committed a violation of subsection (a-1)
21 of Section 11-908 of this Code.

22 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
23 and 27 of this subsection, license means any driver's
24 license, any traffic ticket issued when the person's driver's
25 license is deposited in lieu of bail, a suspension notice
26 issued by the Secretary of State, a duplicate or corrected
27 driver's license, a probationary driver's license or a
28 temporary driver's license.

29 (b) If any conviction forming the basis of a suspension
30 or revocation authorized under this Section is appealed, the
31 Secretary of State may rescind or withhold the entry of the
32 order of suspension or revocation, as the case may be,
33 provided that a certified copy of a stay order of a court is
34 filed with the Secretary of State. If the conviction is

1 affirmed on appeal, the date of the conviction shall relate
2 back to the time the original judgment of conviction was
3 entered and the 6 month limitation prescribed shall not
4 apply.

5 (c) 1. Upon suspending or revoking the driver's license
6 or permit of any person as authorized in this Section,
7 the Secretary of State shall immediately notify the
8 person in writing of the revocation or suspension. The
9 notice to be deposited in the United States mail, postage
10 prepaid, to the last known address of the person.

11 2. If the Secretary of State suspends the driver's
12 license of a person under subsection 2 of paragraph (a)
13 of this Section, a person's privilege to operate a
14 vehicle as an occupation shall not be suspended, provided
15 an affidavit is properly completed, the appropriate fee
16 received, and a permit issued prior to the effective date
17 of the suspension, unless 5 offenses were committed, at
18 least 2 of which occurred while operating a commercial
19 vehicle in connection with the driver's regular
20 occupation. All other driving privileges shall be
21 suspended by the Secretary of State. Any driver prior to
22 operating a vehicle for occupational purposes only must
23 submit the affidavit on forms to be provided by the
24 Secretary of State setting forth the facts of the
25 person's occupation. The affidavit shall also state the
26 number of offenses committed while operating a vehicle in
27 connection with the driver's regular occupation. The
28 affidavit shall be accompanied by the driver's license.
29 Upon receipt of a properly completed affidavit, the
30 Secretary of State shall issue the driver a permit to
31 operate a vehicle in connection with the driver's regular
32 occupation only. Unless the permit is issued by the
33 Secretary of State prior to the date of suspension, the
34 privilege to drive any motor vehicle shall be suspended

1 as set forth in the notice that was mailed under this
2 Section. If an affidavit is received subsequent to the
3 effective date of this suspension, a permit may be issued
4 for the remainder of the suspension period.

5 The provisions of this subparagraph shall not apply
6 to any driver required to obtain a commercial driver's
7 license under Section 6-507 during the period of a
8 disqualification of commercial driving privileges under
9 Section 6-514.

10 Any person who falsely states any fact in the
11 affidavit required herein shall be guilty of perjury
12 under Section 6-302 and upon conviction thereof shall
13 have all driving privileges revoked without further
14 rights.

15 3. At the conclusion of a hearing under Section
16 2-118 of this Code, the Secretary of State shall either
17 rescind or continue an order of revocation or shall
18 substitute an order of suspension; or, good cause
19 appearing therefor, rescind, continue, change, or extend
20 the order of suspension. If the Secretary of State does
21 not rescind the order, the Secretary may upon
22 application, to relieve undue hardship, issue a
23 restricted driving permit granting the privilege of
24 driving a motor vehicle between the petitioner's
25 residence and petitioner's place of employment or within
26 the scope of his employment related duties, or to allow
27 transportation for the petitioner, or a household member
28 of the petitioner's family, to receive necessary medical
29 care and if the professional evaluation indicates,
30 provide transportation for alcohol remedial or
31 rehabilitative activity, or for the petitioner to attend
32 classes, as a student, in an accredited educational
33 institution; if the petitioner is able to demonstrate
34 that no alternative means of transportation is reasonably

1 available and the petitioner will not endanger the public
2 safety or welfare.

3 If a person's license or permit has been revoked or
4 suspended due to 2 or more convictions of violating
5 Section 11-501 of this Code or a similar provision of a
6 local ordinance or a similar out-of-state offense,
7 arising out of separate occurrences, that person, if
8 issued a restricted driving permit, may not operate a
9 vehicle unless it has been equipped with an ignition
10 interlock device as defined in Section 1-129.1.

11 If a person's license or permit has been revoked or
12 suspended 2 or more times within a 10 year period due to
13 a single conviction of violating Section 11-501 of this
14 Code or a similar provision of a local ordinance or a
15 similar out-of-state offense, and a statutory summary
16 suspension under Section 11-501.1, or 2 or more statutory
17 summary suspensions, or combination of 2 offenses, or of
18 an offense and a statutory summary suspension, arising
19 out of separate occurrences, that person, if issued a
20 restricted driving permit, may not operate a vehicle
21 unless it has been equipped with an ignition interlock
22 device as defined in Section 1-129.1. The person must
23 pay to the Secretary of State DUI Administration Fund an
24 amount not to exceed \$20 per month. The Secretary shall
25 establish by rule the amount and the procedures, terms,
26 and conditions relating to these fees. If the restricted
27 driving permit was issued for employment purposes, then
28 this provision does not apply to the operation of an
29 occupational vehicle owned or leased by that person's
30 employer. In each case the Secretary may issue a
31 restricted driving permit for a period deemed
32 appropriate, except that all permits shall expire within
33 one year from the date of issuance. The Secretary may
34 not, however, issue a restricted driving permit to any

1 person whose current revocation is the result of a second
2 or subsequent conviction for a violation of Section
3 11-501 of this Code or a similar provision of a local
4 ordinance relating to the offense of operating or being
5 in physical control of a motor vehicle while under the
6 influence of alcohol, other drug or drugs, intoxicating
7 compound or compounds, or any similar out-of-state
8 offense, or any combination of those offenses, until the
9 expiration of at least one year from the date of the
10 revocation. A restricted driving permit issued under
11 this Section shall be subject to cancellation,
12 revocation, and suspension by the Secretary of State in
13 like manner and for like cause as a driver's license
14 issued under this Code may be cancelled, revoked, or
15 suspended; except that a conviction upon one or more
16 offenses against laws or ordinances regulating the
17 movement of traffic shall be deemed sufficient cause for
18 the revocation, suspension, or cancellation of a
19 restricted driving permit. The Secretary of State may,
20 as a condition to the issuance of a restricted driving
21 permit, require the applicant to participate in a
22 designated driver remedial or rehabilitative program.
23 The Secretary of State is authorized to cancel a
24 restricted driving permit if the permit holder does not
25 successfully complete the program.

26 (c-5) The Secretary of State may, as a condition of the
27 reissuance of a driver's license or permit to an applicant
28 whose driver's license or permit has been suspended before he
29 or she reached the age of 18 years pursuant to any of the
30 provisions of this Section, require the applicant to
31 participate in a driver remedial education course and be
32 retested under Section 6-109 of this Code.

33 (d) This Section is subject to the provisions of the
34 Drivers License Compact.

1 (e) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been suspended or revoked under any
4 provisions of this Code.

5 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
6 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
7 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

8 (625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)
9 Sec. 6-301.2. Fraudulent driver's license or permit.

10 (a) (Blank).

11 (b) It is a violation of this Section for any person:

12 1. To knowingly possess any fraudulent driver's
13 license or permit;

14 2. To knowingly possess, display or cause to be
15 displayed any fraudulent driver's license or permit for
16 the purpose of obtaining any account, credit, credit card
17 or debit card from a bank, financial institution or
18 retail mercantile establishment;

19 3. To knowingly possess any fraudulent driver's
20 license or permit with the intent to commit a theft,
21 deception or credit or debit card fraud in violation of
22 any law of this State or any law of any other
23 jurisdiction;

24 4. To knowingly possess any fraudulent driver's
25 license or permit with the intent to commit any other
26 violation of any laws of this State or any law of any
27 other jurisdiction for which a sentence to a term of
28 imprisonment in a penitentiary for one year or more is
29 provided;

30 5. To knowingly possess any fraudulent driver's
31 license or permit while in unauthorized possession of any
32 document, instrument or device capable of defrauding
33 another;

1 6. To knowingly possess any fraudulent driver's
2 license or permit with the intent to use the license or
3 permit to acquire any other identification document;

4 7. To knowingly possess without authority any
5 driver's license-making or permit-making implement;

6 8. To knowingly possess any stolen driver's
7 license-making or permit-making implement or to possess,
8 use, or allow to be used any materials, hardware, or
9 software specifically designed for or primarily used in
10 the manufacture, assembly, issuance, or authentication of
11 an official driver's license or permit issued by the
12 Secretary of State;

13 9. To knowingly duplicate, manufacture, sell or
14 transfer any fraudulent driver's license or permit;

15 10. To advertise or distribute any information or
16 materials that promote the selling, giving, or furnishing
17 of a fraudulent driver's license or permit;

18 11. To knowingly use any fraudulent driver's
19 license or permit to purchase or attempt to purchase any
20 ticket for a common carrier or to board or attempt to
21 board any common carrier. As used in this Section,
22 "common carrier" means any public or private provider of
23 transportation, whether by land, air, or water;

24 12. To knowingly possess any fraudulent driver's
25 license or permit if the person has at the time a
26 different driver's license issued by the Secretary of
27 State or another official driver's license agency in
28 another jurisdiction that is suspended or revoked.

29 (c) Sentence.

30 1. Any person convicted of a violation of paragraph
31 1 of subsection (b) of this Section shall be guilty of a
32 Class 4 felony and shall be sentenced to a minimum fine
33 of \$500 or 50 hours of community service, preferably at
34 an alcohol abuse prevention program, if available.

1 2. Any person convicted of a violation of any of
2 paragraphs 2 through 9 or paragraph 11 or 12 of
3 subsection (b) of this Section shall be guilty of a Class
4 4 felony. A person convicted of a second or subsequent
5 violation shall be guilty of a Class 3 felony.

6 3. Any person convicted of a violation of paragraph
7 10 of subsection (b) of this Section shall be guilty of a
8 Class B misdemeanor.

9 (d) This Section does not prohibit any lawfully
10 authorized investigative, protective, law enforcement or
11 other activity of any agency of the United States, State of
12 Illinois or any other state or political subdivision thereof.

13 (e) The Secretary may request the Attorney General to
14 seek a restraining order in the circuit court against any
15 person who violates this Section by advertising fraudulent
16 driver's licenses or permits.

17 (Source: P.A. 92-673, eff. 1-1-03.)

18 (625 ILCS 5/6-521) (from Ch. 95 1/2, par. 6-521)

19 Sec. 6-521. Rulemaking Authority.

20 (a) The Secretary of State, using the authority to
21 license motor vehicle operators under this Code, may adopt
22 such rules and regulations as may be necessary to establish
23 standards, policies and procedures for the licensing and
24 sanctioning of commercial motor vehicle drivers in order to
25 meet the requirements of the Commercial Motor Vehicle Act of
26 1986 (CMVSA); subsequent federal rulemaking under 49 C.F.R.
27 Part 383 or Part 1572; and administrative and policy
28 decisions of the U.S. Secretary of Transportation and the
29 Federal Highway Administration. The Secretary may, as
30 provided in the CMVSA, establish stricter requirements for
31 the licensing of commercial motor vehicle drivers than those
32 established by the federal government.

33 (b) By January 1, 1994, the Secretary of State shall

1 establish rules and regulations for the issuance of a
2 restricted commercial driver's license for farm-related
3 service industries consistent with federal guidelines. The
4 restricted license shall be available for a seasonal period
5 or periods not to exceed a total of 180 days in any 12 month
6 period.

7 (c) By July 1, 1995, the Secretary of State shall
8 establish rules and regulations, to be consistent with
9 federal guidelines, for the issuance and cancellation or
10 withdrawal of a restricted commercial driver's license that
11 is limited to the operation of a school bus. A driver whose
12 restricted commercial driver's license has been cancelled or
13 withdrawn may contest the sanction by requesting a hearing
14 pursuant to Section 2-118 of this Code. The cancellation or
15 withdrawal of the restricted commercial driver's license
16 shall remain in effect pending the outcome of that hearing.

17 (d) By July 1, 1995, the Secretary of State shall
18 establish rules and regulations for the issuance and
19 cancellation of a School Bus Driver's Permit. The permit
20 shall be required for the operation of a school bus as
21 provided in subsection (c), a non-restricted CDL with
22 passenger endorsement, or a properly classified driver's
23 license. The permit will establish that the school bus
24 driver has met all the requirements of the application and
25 screening process established by Section 6-106.1 of this
26 Code.

27 (Source: P.A. 88-450; 88-612, eff. 7-1-95.)

28 Section 99. Effective date. This Act takes effect June
29 1, 2003."